

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated November 12, 2009. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested. Claims 1-3 and 5-21 are pending in the Application. Claims 20-21 are added by this amendment. Claims 1, 2, 14, and 18 are independent claims.

In the Office Action, claims 14, 15 and 17-19 are rejected under 35 U.S.C. §102(b) over Japanese Patent Publication No. 2004-079103 to Harada ("Harada"). Claim 16 is rejected under 35 U.S.C. §103(a) over Harada. Claims 1-7 and 11-13 are rejected under 35 U.S.C. §103(a) over European Patent Publication No. 1154412 to Kono ("Kono"). Claims 8 and 9 are rejected under 35 U.S.C. §103(a) over Kono in view of Harada. Claim 10 is rejected under 35 U.S.C. §103(a) over Kono in view of Harada in further view of U.S. Patent Publication No. 2002/0101803 to Hayashi ("Hayashi"). The rejection of claims 1-3 and 5-19 is respectfully traversed. It is respectfully submitted that claims 1-3 and 5-21 are allowable over Kono, Harada or Hayashi, alone or in view of any combination for at least the following reasons.

Kono discloses that more than one signal may be monitored, where any one of them may cause the light beam intensity to be reduced, stating, (illustrative emphasis added) "... reduces an intensity of the light beam to a level unable to record data in the optical disk with one of the following operations: (i) monitoring a focus error signal; (ii) monitoring an intensity of a reflected light; or (iii) detecting that an data plane on which the light beam focuses moves to another layer." (See, Kono, col. 6, lines 2-9.)

Hayashi discloses that more than one signal may be monitored, where any one of them may cause the light beam writing to be interrupted, stating, (illustrative emphasis added), "[a] data recording equipment that accurately restarts the writing of data to an optical disc after data recording is interrupted. The equipment interrupts recording when detecting an external shock or when predicting the occurrence of a buffer underrun error." (See, Hayashi, Abstract.)

Harada discloses monitoring one signal, acceleration of an optical disk, stopping writing if the acceleration is in error, and controlling the writing speed of the optical disk speed to prevent a write error. (See, Harada, Abstract.)

However, neither Kono, Hayashi nor Harada disclose Applicant's requirement for at least two of the monitored signals to indicate a write displacement error, as recited in independent claim 1, (illustrative emphasis added) "determining that a write displacement event has occurred only if two or more write displacement error signals indicate that a write displacement event has occurred, ... ; and inhibiting the writing process in case of a write displacement event occurrence," as recited in independent claim 2, (illustrative emphasis added) "inhibiting a writing process only if two or more write displacement error signals indicate that a write displacement event has occurred, wherein the write displacement error signals comprise at least two error signals derived from: ... ," as recited in independent claim 14, (illustrative emphasis added) "inhibiting a writing process in case of a write displacement event, wherein the write inhibit means is designed ... to decide that at least two of the input signals indicate that a write displacement event is about to occur ... ," and as recited in independent claim 18, (illustrative emphasis added) "inhibiting a writing

process only if two or more write displacement error signals indicate that a write displacement event has occurred ..."

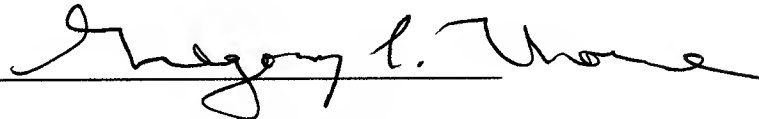
Based on the foregoing, Applicants respectfully submit that independent claims 1 and 2 are patentable over Kono, alone and in view of any combination of Harada and Hayashi and that independent claims 14 and 18 are patentable over Harada, alone and in view of any combination of Kono and Hayashi, and notice to this effect is earnestly solicited.

Claims 3, 5-13, 15-17, and 19-21 respectively depend from one of claims 1, 2, 14, and 18 and, accordingly, are allowable for at least these reasons as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response, and in particular, no Official Notices are conceded. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicant has made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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